



U.S. Department of Justice

United States Attorney
District of New Jersey
Civil Division

PHILIP R. SELLINGER
UNITED STATES ATTORNEY

Hope Y. Lu
Assistant United States Attorney

970 Broad Street, Suite 700
Newark, NJ 07102
hope.lu@usdoj.gov

main: (973) 645-2700
direct: (973) 645-2862
fax: (973) 297-2010

February 3, 2023

BY ECF

Honorable Rukhsanah L. Singh
United States Magistrate Judge
United States District Court District of New Jersey
Clarkson S. Fisher Building and U.S. Courthouse
402 East State Street
Trenton, N.J. 08608

Re: *United States ex rel. Franchitti v. Cognizant Technology
Solutions Corp., et al.*, Civil Action No. 3:17-cv-06317-PGS-RLS

Dear Judge Singh:

I am the Assistant United States Attorney assigned to represent the Government, a non-party in this action, to respond to Defendants' Motion to Compel Discovery from the United States Internal Revenue Service ("IRS") and Department of Labor ("DOL") (Dkt. No. 108) ("Motion").

I respectfully request an extension of time, until February 28, 2023, to respond to Defendants' Motion. The deadline is currently February 7, 2023. The extension is necessary because Defendants' Motion seeks to compel action from two separate federal agencies with two different sets of *Touhy* regulations, which will require a separate response from each agency. Furthermore, both agencies intend to file oppositions to the Motion combined with cross-motions to quash pursuant to Local Civil Rule 7.1(h) (permitting filing a cross-motion in combination with an opposition) and the Court's Civil Case Management Order Nos. 5-6 (referencing motions to quash).

Cognizant objects to this extension request and proposed the agencies' responses be due February 21, 2023, with Cognizant's replies due March 3, 2023. Based on my schedule, including because of a family medical emergency I had this week, and availability of agency personnel, all of which I shared with Cognizant's counsel, I am not able to agree to Cognizant's proposed schedule, and I respectfully request this 21-day extension. However, I am able to consent to Cognizant's proposal

that it receive additional time to file their replies to account for the concern Cognizant references below regarding the motion to dismiss briefing schedule in the underlying False Claims Act matter. Thus, I respectfully request that the Court permit the agencies' responses/cross-motions be due February 28, 2023, with Cognizant's replies due March 10, 2023.

Cognizant's counsel asked that the following be included in this letter: "Cognizant has represented that they are willing to consent to an extension to February 21, but they do not consent to an extension to February 28 because it will conflict with the briefing on the motion to dismiss, because they believe the government has not demonstrated a need for the extension, and because they believe the government is not entitled to file cross-motions to quash in the first instance."

I thank the Court for Your Honor's consideration of this matter.

Respectfully submitted,

PHILIP R. SELLINGER
United States Attorney

By: s/ Hope Y. Lu
HOPE Y. LU
Assistant United States Attorney

cc. All Counsel (By ECF)